IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 18 OF 2005.

IN

WRIT PETITION NO. 1898 OF 1997

Dr. O.S.Gupta (Das) ... Petitioner.

Vs.

The Collector of Mumbai

MSD & Ors. ... Respondents.

Mr. M.S.Pandey for the Petitioners.

Mr. G.W.Mattos for AGP for the Respondents.

CORAM : S.K.Shah, J.
DATE : June 24, 2005.

P.C.:-

1. This Contempt Petition is filed, alleging that the Respondents have committed contempt of the Order, passed by the Division Bench of this Court, dated 2nd December, 1997 in Writ Petition No. 1898 of 1997, whereby it was directed not to demolish the premises of those persons who were in possession prior to first January, 1995 and whose names were appearing in the Electoral Roll on that date.

2. The affidavit filed by the Deputy Collector, clearly mentions that five persons had approached the Competent Authority and proved that they were in

occupation prior to the stipulated date, i.e. 1.1.1995. Therefore, they have been given alternate plot, out of them, 36 persons were found to be ineligible and the Orders to that effect were communicated to them in 1997 itself. With regard to the remaining persons, two of them did not approach the Authorities at all and, therefore, they could not comply the the orders in respect of those two persons. As such, there has been substantial compliance of the Order.

3. Under the circumstances, I do not find any merit in this contempt petition. The Petition is disposed of accordingly.

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[S.K.Shah, J.]